

REMARKS

Claims 1-13 have been examined. Claim 7 has been rejected under 35 U.S.C. § 112, second paragraph, claims 1-5, 8, and 9 have been rejected under 35 U.S.C. § 103(a). Also, the Examiner has indicated that claims 6, 7, and 10-13 contain allowable subject matter.

I. Preliminary matters

Applicants have amended the claims to eliminate the “means for” language so that the claims will not be interpreted under 35 U.S.C. § 112, sixth paragraph. Such amendments are not in response to any rejections and are not narrowing amendments.

II. Objection to the drawings

The Examiner has objected to Fig. 6 because it is not labeled with the designation “PRIOR ART”. Applicants have labeled Fig. 6 with such designation.

III. Objection to the claims

The Examiner has objected to claim 2, 3, and 6 because they contain minor typographical errors. Applicants submit that the amendments to the claims overcome the objection.

IV. Rejection under 35 U.S.C. § 112, second paragraph

Claim 7 has been rejected under 35 U.S.C. § 112, second paragraph, because it contains an antecedent basis error. Applicants submit that the amendments to claim 7 overcome the rejection and that such amendments do not narrow the scope of the claim.

V. Rejection under 35 U.S.C. § 103(a) over U.S.P. 5,859,815 to Inoue (“Inoue”) and U.S.P. 5,315,578 to Furukawa et al. (“Furukawa”)

Claims 1-5, 8, and 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Inoue in view of Furukawa.

A. Claim 1

Applicants submit that claim 1 would not have been obvious over Inoue and Furukawa. For example, claim 1 comprises a record device and a decision device. The record device records data in at least two different areas of a record medium. During the recording of the data, the decision device determines whether one of the at least two data recorded in the different areas of record medium is valid data.

On the other hand, Inoue and Furukawa (alone or in combination) do not suggest such features. With respect to Inoue, the Examiner contends that the controller 20 and the encode/decode circuits 36 and 37 correspond to the claimed decision device, but Applicants respectfully disagree. The controller 20 merely manages the recording and reproducing operations of the system, the circuit 36 encodes (or decodes) sector structure data, and the circuit 37 performs an encoding (or decoding) a process for error detection and correction. However,

such components 20, 36, and 37 do not teach a decision device that determines if data, which is recorded in two different areas of the disk, is valid during a recording operation.

The Examiner contends that Furukawa suggests recording data in two different areas of the recording medium. However, assuming *arguendo* that the Examiner is correct, Furukawa does not suggest determining whether or not such data is valid during the recording operation.

In light of the discussion above, Applicants submit that claim 1 would not have been obvious.

B. Claim 2

Since claim 2 contains features that are similar to the features recited in claim 1, Applicants submit that such claim is patentable for at least similar reasons.

C. Claims 3-5, 8, and 9

Since claims 3-5, 8, and 9 directly or indirectly depend upon claim 2, Applicants submit that such claims are patentable at least by virtue of their dependency.

VI. Allowable subject matter

A. Objection to claim 6

The Examiner has objected to claim 6 for being dependent upon a rejected base claim but indicates that it would be allowable if it is rewritten in independent form. Since claim 6 has been rewritten in independent form, Applicants submit that it is allowable.

Amendment Under 37 C.F.R. § 1.111
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B. Objection to claim 7

The Examiner has indicated that claim 7 would be allowable if it is amended to overcome the rejection under 35 U.S.C. § 112, second paragraph, and is rewritten in independent form. Since claim 7 has been amended, Applicants submit that it is allowable.

C. Claims 10-13

The Examiner has allowed claims 10-13.

VI. Newly added claims

Applicants have added new claims 14-19 to provide more varied protection for the present invention.

VII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111
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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Grant K. Rowan', is written over a horizontal line.

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APPENDIX
VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims are amended as follows:

1. (Once amended) An information recording unit comprising:

a memory for [firstly] storing data provided for recording,

a record device [medium] for recording the data stored in said memory onto a recording medium, the data being recorded in each of at least two different areas on said record medium,

and

a decision device [mean] for determining one [valid data among the recorded data recorded in the different areas] of the at least two data recorded in the different areas on said record medium as valid data during the recording of the data on said record medium.

2. (Once amended) An information recording unit comprising:

a memory for [firstly] storing data provided for recording,

a record device [medium] for intermittently recording the data stored in said memory onto a recording medium,

[a record means for recording the data on said record medium,]

a valid-data decision device [means] for determining whether the recorded data is valid,

wherein said record device [means] records the data in each of at least two different areas on said record medium, and said valid-data decision device determines one of the at least two data recorded in the different areas on said record medium as valid data during the recording of

the data on said record medium [said decision determines one valid data among the recorded data of the different areas].

3. (Once amended) The unit as set forth in claim 2, the unit further comprising:
a record control device [means] for controlling said record device [means],
wherein said record control device [means] provides a control command for said record device [means] to record a predetermined quantity of data stored in said memory at a first recording location on said record medium and also provides a control command for said record device [means] to record [read] said predetermined quantity of data at [least] a second recording location different from said first recording location after said predetermined quantity of data is recorded at said first recording location.

4. (Once amended) The unit as set forth in claim 3, the unit further comprising:
a blank area search device [means] for searching a blank area on said record medium,
wherein said first recording location has a predetermined address of a blank area searched by said blank area search device [means], and said second recording location has an address different from the predetermined address of the searched blank area.

5. (Once amended) The unit as set forth in claim 2, the unit further comprising:
a data update device [means] for updating data address information recorded in a control area on the record medium for controlling data addresses, wherein said data update device

[means] updates a data address of which data has been decided to be valid by said valid-data decision device [means].

6. (Once amended) An information recording [The] unit [as set forth in claim 2, the unit further] comprising:

a memory for firstly storing data,

a record medium for intermittently recording the stored data in said memory,

a record device for recording the data on said record medium,

a valid-data decision device for determining whether the recorded data is valid,

wherein said record device records the data in at least two different areas on said record medium, and said valid-data decision device determines one valid data among the recorded data of the different areas,

a vibration detection [means] device for detecting a vibration applied to the unit,

[a valid-data decision means for determining whether desired data is recorded on said record medium,]

a first storage [means] device for storing a first flag indicating the occurrence of a vibration in relation to a predetermined address when said vibration detection [mean] device has detected a vibration during a data recording operation at the predetermined address, and

a second storage [means] for storing a second flag in relation to another predetermined address so as to indicate that said valid-data decision [means] device has determined that desired data is not recorded at the another predetermined address on said record medium,

wherein said valid-data decision [means] device determines whether the data is valid according to said flags stored by said first and second storage [means] devices.

7. (Once amended) An information recording [The] unit [as set forth in claim 2, the unit further] comprising:

a memory for firstly storing data,

a record medium for intermittently recording the stored data in said memory,

a record device for recording the data on said record medium,

a valid-data decision device for determining whether the recorded data is valid,

wherein said record device records the data in at least two different areas on said record medium, and said valid-data decision device determines one valid data among the recorded data of the different areas,

a servo condition detection [means] device for detecting whether at least one of a tracking error signal and a focus error signal reaches a predetermined threshold,

a record-data decision [means] device for determining whether a desired data has been recorded on said record medium,

a first [third] storage [means] device for storing a first [third] flag indicating the occurrence of a vibration in relation to a predetermined address during a data recording operation at the predetermined address when said servo condition detection [means] device has detected that said at least one error signal has reached the threshold,

a second storage [means] device for storing a second flag corresponding to a predetermined address so as to indicate that said record-data decision [means] device has determined that data is correctly recorded at the predetermined address on said record medium,

wherein valid-data decision [means] device determines whether the data is valid based on said flags in said first and second [and third] storage [means] devices.

8. (Once amended) The unit as set forth in claim 5, wherein said data update [means] device updates a data address in a control area on said record medium so that the data address becomes blank when said valid-data decision [means] device has determined that data corresponding to the data address is not valid.

9. (Once amended) The unit as set forth in claim 3, wherein said record [means] device continues recording into the first recording location until the remaining data quantity in said memory reaches a predetermined quantity, and continues recording into the second recording location until said record [means] device has recorded data originally identical with the data that has been recorded into the first recording location.

Claims 14-19 are added as new claims.